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October 2, 2009

VIA ECF

Hon. James C. Cacheris
Albert V. Bryan U.S. Courthouse
401 Courthouse Square
Alexandria, VA 22314

Re: *Ferguson et al. v. Ingoldsby*, Case No. 1:09cv739-JCC/TCB

Your Honor:

For the convenience of the Court, and to aid in preparation for the upcoming hearing, the undersigned counsel for Plaintiffs in the above-captioned matter informs the Court that the parties' settlement discussions have been unsuccessful and Plaintiffs will argue their Motion for Judgment on the Pleadings at 10:00 a.m. on October 9, 2009, as scheduled.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John M. McNichols", followed by a long horizontal line extending to the right.

John M. McNichols

Counsel for Plaintiffs Raymond and Mary Ferguson

cc: Douglas Kay, Esq. (via ECF)